



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Wayne P. Franco

Serial No.: 09/828,330

Filed: April 6, 2001

For: METHODS OF USE OF
FIBROBLAST GROWTH FACTOR,
VASCULAR ENDOTHELIAL GROWTH
FACTOR AND RELATED PROTEINS
IN THE TREATMENT OF ACUTE AND
CHRONIC HEART DISEASE.

Group Art Unit: 1647

Examiner: Christopher Nichols

Commissioner for Patents
Washington, DC 20231

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AMENDMENT AND RESPONSE TO OFFICE ACTION

Sir:

Subsequent to the Office Action mailed September 18, 2002 (the "Action"), Applicant hereby submits the following Amendment and Response, Declaration, references cited therein, and Petition for Extension of time. Applicant respectfully requests entry of the Amendment and reconsideration of the pending claims. Applicant further submits that the claims, as discussed in the Remarks below, are in a condition for allowance, which action is earnestly requested.

In the Specification:

Please replace paragraph [00044] with the following paragraph:

[00044] Bioavailability After the aerosolized drug reaches the deep lung, it must be absorbed with high enough bioavailability to make the system practical. As early as 1925, insulin inhalation for the treatment of diabetes was shown to work in humans, but the bioavailability was low (<3%). More recently, several